

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JANNINY DASILVA,

Plaintiff,

v.

**Civil Action 2:19-cv-5282
Judge Sarah D. Morrison
Magistrate Judge Chelsey M. Vascura**

CITY OF COLUMBUS OH, *et al.*,

Defendants.

REPORT AND RECOMMENDATION

On May 15, 2020, the Court ordered Plaintiff to show cause why the Court should not dismiss this action without prejudice against, *inter alia*, Defendant Rhiannon Stewart (“Stewart”) for failure to effect service and why the Court should allow an extension of time to effect service. (ECF No. 17.) For good cause shown, the Court granted Plaintiff’s oral motion for an extension of time to effect service and ordered Plaintiff to effect service over Stewart by June 29, 2020. (ECF No. 20.) To date, Plaintiff has not made proof of service to the Court as required by Federal Rule of Civil Procedure 4(l).

Plaintiff was previously cautioned that failure to perfect service over Stewart would result in this action being dismissed without prejudice pursuant to Federal Rule of Civil Procedure 4(m). (ECF No. 17.) Further, Plaintiff was ordered to effect service over Defendant by June 29, 2020 (ECF No. 20), but has yet to submit proof of service to the Court. It is therefore **RECOMMENDED** that all claims against Stewart be **DISMISSED WITHOUT PREJUDICE** pursuant to Rule 4(m) for failure to timely effect service.

PROCEDURE ON OBJECTIONS

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days of the date of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A Judge of this Court shall make a *de novo* determination of those portions of the Report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a Judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the District Judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. See *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

/s/ Chelsey M. Vascura
CHELSEY M. VASCURA
UNITED STATES MAGISTRATE JUDGE